

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, et al.,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 20-cv-03664-YGR (SVK)

**ORDER ON ADMINISTRATIVE
MOTIONS FOR LEAVE TO FILE
UNDER SEAL**

Re: Dkt. Nos. 781, 799, 805, 817

Before the Court are administrative motions for leave to file under seal materials associated with discovery disputes in this case. Dkt. 781, 799, 805, 817; *see also* Dkt. 802 (declaration filed in support of motion to seal).

Courts recognize a “general right to inspect and copy public records and documents, including judicial records and documents.” *Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Communs., Inc.*, 435 U.S. 589, 597 & n.7 (1978)). A request to seal court records therefore starts with a “strong presumption in favor of access.” *Kamakana*, 447 F.3d at 1178 (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). The standard for overcoming the presumption of public access to court records depends on the purpose for which the records are filed with the court. A party seeking to seal court records relating to motions that are “more than tangentially related to the underlying cause of action” must demonstrate “compelling reasons” that support secrecy. *Ctr. For Auto Safety v. Chrysler Grp.*, 809 F.3d 1092, 1099 (9th Cir. 2016). For records attached to motions that re “not related, or only tangentially related, to the merits of the case,” the lower “good cause” standard of Rule 26(c) applies. *Id.*; *see also Kamakana*, 447 F.3d at 1179. A party moving to seal court records must also comply with the procedures established by Civil Local Rule 79-5.

Here, the “good cause” standard applies because the information the parties seek to seal was submitted to the Court in connection with discovery-related motions, rather than a motion that concerns the merits of the case. The Court may reach different conclusions regarding sealing these documents under different standards or in a different context. Having considered the motions to seal, supporting declarations, and the pleadings on file, and good cause appearing, the Court **ORDERS** as follows:

1. Dkt. 781

Documents Sought to be Sealed	Court’s Ruling on Motion to Seal	Reason(s) for Court’s Ruling
Google LLC’s Notice of Motion and Motion for Relief Regarding Preservation	GRANTED as to the portions at: Pages 1:17-18, i:7-8, i:10, i:11, 1:7, 1:10, 1:12-16, 1:19-23, 1:25-26, 2:12, 2:15, 2:27, 3:10-12, 3:15, 4:5-7, 4:12, 4:27, 5:2-3, 5:5, 5:11-28, 6:3, 6:5, 7:2, 7:4-5, 7:9-10, 7:19, 7:21-22, 7:24-27, 8:4, 8:7, 8:9, 9:1, 9:15, 9:23-25, 10:15-16, 10:18, 11:13	The information requested to be sealed contains Google’s confidential and proprietary information regarding sensitive features of Google’s internal systems and operations, including various types of Google’s internal projects and data logging systems, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google’s competitors. Such confidential and proprietary information reveals Google’s internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google’s competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google’s internal practices relating to competing products.
Declaration of Larry Greenfield	GRANTED as to the portions at:	The information requested to be sealed contains Google’s confidential and proprietary information regarding

	<p>Pages 1:25-2:1, 2:3-8, 3:7-11, 3:16-27, 4:7-19, 4:22-24, 4:27-28, 5:1-9, 5:12-13, 5:15-16, 5:18, 5:20-21, 5:23-24, 5:26, 5:28-6:1, 6:3-4, 6:6-9, 6:12-17, 6:19-20, 6:22-7:5</p>	<p>sensitive features of Google's internal systems and operations, including various types of Google's internal projects and data logging systems, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p>
Declaration of Benjamin Kornacki	<p>GRANTED as to the portions at:</p> <p>Pages 1:22, 1:26-2:1, 2:3, 2:7, 2:11, 2:13, 2:16, 2:21, 2:26, 2:28-3:8, 3:11-12, 3:14-19</p>	<p>The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects and data logging systems, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems</p>

		and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Declaration of Julian Kranz	GRANTED as to the portions at: Pages 1:22-25, 1:28, 2:1, 2:3, 2:5-7	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's data logging systems, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Declaration of Joshua Halstead	GRANTED as to the portions at: Pages 1:18-21, 1:25, 1:27-28, 2:2-3, 2:5-7, 2:9-14	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects and data sources, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system

		designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Declaration of Patrick Quaid	GRANTED as to the portions at: Pages 1:12, 1:14, 1:16, 1:21-23	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects and data sources, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Declaration of Daryl Seah	GRANTED as to the portions at: Pages 2:11-21, 2:24, 3:3	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal

		<p>projects and data logging systems, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p>
<p>Declaration of Srilakshmi Pothana</p>	<p>GRANTED as to the portions at: Pages 1:28, 2:1-7, 2:12-15, 2:17, 2:20, 2:22-23</p>	<p>The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects and data logging systems, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use</p>

		the information to compromise Google's internal practices relating to competing products.
Exhibit 1 to Gao Declaration – Aug. 4, 2022 Hearing Tr. Excerpts	GRANTED as to the portions at: Pages 100:2, 100:4, 100:10, 101:21, 103:22, 103:24, 105:11	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 2 to Gao Declaration - 3/18/22 Glenn Berntson Tr. Excerpts	GRANTED as to the portions at: Pages 134:1, 134:12, 134:18-20, 135:1, 135:8-9, 135:12, 136:7	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could

		affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 3 to Gao Declaration - GOOG-CABR-03652751	GRANTED as to the portions at: Seal in its entirety	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects and data logging systems, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.

2. Dkt. 799; see also Dkt. 802

Documents Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Plaintiffs' Response in Opposition to Google' Motion for Relief Regarding Preservation	GRANTED as to redacted portions at: Pages 1:2-3, 1:5, 1:9-10, 1:12, 1:16, 2:7-9, 4:2-3, 4:6,	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects, internal project code names,

	4:8, 4:10, 4:12, 4:17-22, 5:5, 5:7, 5:10, 5:12-14, 5:17-25, 6:1-2, 6:4-5, 6:7-8, 6:13, 6:15, 6:17-18, 6:25, 7:21, 8:1, 8:3-4, 8:6, 8:16, 8:18, 9:15, 10:2, 10:7, 10:9, 10:11, 10:13, 10:15-16, 11:26, 13:2	data signals, and logs, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 1 to McGee Declaration Liao Depo. Trans. Excerpts	GRANTED as to redacted portions at: Pages 22:1-2, 22:10, 22:12-18, 22:24-23:1, 23:3, 23:9, 23:16-17, 23:19, 24:1, 24:4-7, 24:13, 25:20, 25:22, 26:3, 26:16, 26:18, 26:20, 27:7, 27:11, 27:13, 27:20, 27:23, 28:6, 28:18, 28:20, 28:22, 29:6-7, 29:9, 29:11-12, 29:15, 30:13-14, 30:17, 30:21-22, 31:3-4, 31:11-14, 31:19, 31:22, 32:2, 32:7, 32:13, 33:3, 33:7, 33:14, 33:16, 33:20, 33:24, 34:1, 34:6, 34:9-12, 34:15, 34:22-23, 35:9, 35:14, 35:19, 36:2, 36:4, 36:10	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of Google's internal projects, internal project code names, data signals, and logs, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices

		relating to competing products.
<p>Exhibit 2 to McGee Declaration</p> <p>GFS Field Names</p>	<p>GRANTED as to redacted portions at:</p> <p>Sealed Entirely</p>	<p>The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including Google's internal data logging systems and fields, as well as their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.</p>
<p>Exhibit 3 to McGee Declaration</p> <p>GA Field Names</p>	<p>GRANTED as to redacted portions at:</p> <p>Sealed Entirely</p>	<p>The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including Google's internal data logging systems and fields, as well as their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place</p>

		Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
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3. Dkt. 805

Documents Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Google LLC's Reply in Support of Google's Motion for Relief Regarding Preservation	GRANTED as to the portions at: Pages 1:5-6, 2:3-4, 3:7-8, 3:26 4:7, 4:9-10, 4:18-19, 4:21-25, 4:27, 5:3, 5:7, 5:12-15, 5:18, 6:6-7, 8:14, 9:18, 9:27	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of related Google's internal projects, internal databases, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Declaration of Viola Trebicka in Support of Google LLC's Reply in Support of Motion for Relief Regarding Preservation	GRANTED as to the portions at: Pages 1:16-17, 1:19-20	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of related Google's internal log names, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and

		business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 1 GOOG-CABR-05290579	GRANTED as to the portions at: Sealed Entirely	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of related Google's internal projects, internal databases, data signals, and logs, and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 2 GOOG-CABR-03841078	GRANTED as to the portions at: Sealed Entirely	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of related Google's internal projects, internal databases, data signals, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally

		known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 3 GOOG-CABR-03655476	GRANTED as to the portions at: Sealed Entirely	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of related Google's internal projects, internal databases, data signals, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 4 .CSV/.PDF data file	GRANTED as to the portions at: Sealed Entirely	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of related Google's internal projects, internal

		databases, data signals, and logs, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 5 .CSV/.PDF data file	GRANTED as to the portions at: Sealed Entirely	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including various types of related Google's internal projects, internal databases, data signals, and logs, and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its services. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.

4. Dkt. 817

Documents Sought to be Sealed	Court's Ruling on Motion to Seal	Reason(s) for Court's Ruling
Joint Submission Re: Preservation in Light of Class Certification Order	GRANTED as to the portions at: Pages 3:26-27, 4:1, 4:3-5, 5:24, 6:2-3, 7:11	The information requested to be sealed contains Google's confidential and proprietary information regarding sensitive features of Google's internal systems and operations, including internal metrics, data fields, and processes, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices.

SO ORDERED.

Dated: January 26, 2023



SUSAN VAN KEULEN
United States Magistrate Judge